

IN RE: PETITION FOR RESIDENTIAL  
ZONING VARIANCE  
S/S Mt. Vista Road, 420 ft. W  
of Raphael Road  
7613 Mt. Vista Road  
11th Election District  
5th Councilmanic District  
John Henry Baker, et ux  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by John Henry and Elaine E. Baker, for that property known as 7613 Mt. Vista Road in the H. Leroy Sparr Subdivision of Baltimore County. The Petitioners herein seek a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 23 ft. 6 inches, in lieu of the required 50 ft., for an attached garage, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of November, 1992 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 23 ft. 6 inches, in lieu of the required 50 ft., for an attached garage, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

LES/mm

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

November 12, 1992

Mr. and Mrs. John Henry Baker  
7613 Mt. Vista Road  
Kingsville, Maryland 21087

RE: Petition for Residential Zoning Variance  
Case No. 93-116-A  
7613 Mt. Vista Road

Dear Mr. and Mrs. Baker:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
encl.



## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7613 Mt. Vista Road

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.3, to allow a side yard setback of 23 ft. 6 inches in lieu of the minimum required 50 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Having the garage attached to the house would provide us with health and personal body protection and it would also provide us with more security of personal property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Person(s):	Name of owner(s) and address of the property which is the subject of the Petition:
Type or Print Name:	John Henry Baker
Signature:	John Henry Baker
Address:	Elaine Eleanor Baker
City:	7613 Mt. Vista Rd. (410) 592-6467
State:	Kingsville, MD 21087
Zip Code:	Name, Address and phone number of legal owner, contract purchaser or representative to be contacted:
Signature:	Name:
Address:	Phone No:
City:	State:
Zip Code:	Address:
	Phone No:

A Public Hearing having been requested and/or held as required, it is ordered by the Zoning Commissioner of Baltimore County, this 12th day of November, 1992, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in the newspaper of general circulation throughout Baltimore County, and that the property be posted.

Revised by: DATE: 10-9-92  
Estimated Posting Date: 10-25-92  
Zoning Commissioner of Baltimore County  
ITEM #: 127

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) here competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 7613 Mt. Vista Road

Kingsville, Maryland 21087

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (person, persons or persons attorney). Owner, John Baker, would be in the garage most of the time with his hobby, is not in good health. He has had three (3) open heart surgeries at St. Joseph Hospital. Because of his health he has a medical retirement from Baltimore Gas & Electric Co. He is under a doctor's care and is taking medications for his condition. We feel with the garage attached to the house I can easily keep in touch with him and he with me. He would also be closer to the phone which is located in the house. In bad weather it would be an easier access to the garage if it was attached. If the garage was located away from the house it could present a problem if he needed my help or medical attention. 2. We live in a rural area with very limited lighting so for safety and security reasons it would be better if the garage is attached to the house.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a protesting and advertising fee and may be required to provide additional information.

John Henry Baker  
Elaine Eleanor Baker

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6th day of October, 1992, before me, a Notary Public of the State of Maryland, and for the County aforesaid, personally appeared

JOHN HENRY BAKER & ELAINE ELEANOR BAKER

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

10/6/92

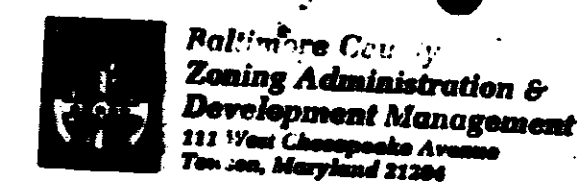
NOTARY PUBLIC  
WILLIAM R. SCHNEPPHORN, JR.  
My Commission Expires September 1, 1994

ZONING DESCRIPTION FOR 7613 MT. VISTA RD.  
(Address)  
Beginning at a point on the South side of MT. Vista Rd. (north, south, east or west) (name of street on which property fronts) which is 76' (number of feet of right-of-way) (number of feet) (north, south, east or west) of the centerline of the nearest improved intersecting street RAPHAEL (name of street) which is 70' wide. "Being lot 13.1, Block 1, Section 4 in the subdivision of H. LEROY SPARR, as recorded in Baltimore County Plat Book 8140, Page 833. Also known as 7613 Mt. Vista Road located in the 11th Election District. (property address)

93-116-A

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

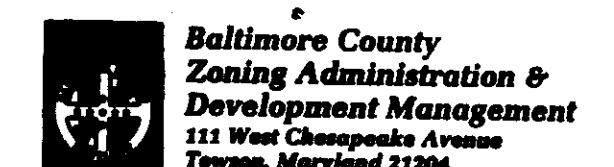
District: 11th Date of Posting: 10/11/92  
Posted for: Variance  
Petitioner: John & Elaine Baker  
Location of property: 7613 MT. VISTA RD., 420' W. of Raphael Rd.  
Location of Sign: Facing Roadway, on property being zoned  
Remarks:  
Posted by: William R. Schnepphorn, Jr.  
Date of return: 10/13/92  
Number of Signs: 1



Date: 10-9-92  
Mr. & Mrs. John Baker  
7613 Mt. Vista Rd.  
Kingsville, Md. 21087  
Residential Variance (Admin) Filing fee = \$50.00  
Sign = 35.00  
\$85.00

Please Make Checks Payable To: Baltimore County  
Cashier Validation

93-116-A 127



Baltimore County  
Zoning Administration & Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Account: R-001-4150  
Number: 127

PAID PER HAND-WRITTEN RECEIPT DATED 10/9/92		
10/13/92	HT900127	
PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (IRL)	1 X	\$50.00
080 - POSTING SIGNS / ADVERTISING	1 X	\$35.00
TOTAL:		\$85.00
LAST NAME OF OWNER: BAKER		

Please Make Checks Payable To: Baltimore County

Cashier Validation

93-116-A 127

Mr. and Mrs. John Henry Baker  
7613 Mt. Vista Road  
Kingsville, MD 21087

RE: Item No. 127, Case No. 93-116-A  
Petitioner: John Henry Baker, et ux  
Petition for Administrative Variance

Dear Mr. and Mrs. Baker:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Your petition has been received and accepted for filing this 9th day of October, 1992.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*W. Carl Richards*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: John Henry Baker, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management  
DATE: October 20, 1992

FROM: Ervin Mc Daniel, Chief  
Office of Planning and Zoning  
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee  
(October 20, 1992)

The Office of Planning and Zoning has no comments on the following petition(s):

Baltimore Gas & Electric Company, Item No. 124  
The Boy's School of St Paul's Parish, Item No. 125  
Melvin and Debbie Kramer, Item No. 126  
John and Elaine Baker, Item No. 127

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*

Division Chief: *Ervin M Daniel*

EMcD/PM:rdn

124567.ZAC/ZAC1

DPM/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature: *Robert J. Family* 10/20/92 Date: *10/26/92*

File Number	Waiver Number	Zoning Issue	Meeting Date
✓ April L. and Wayne M. Rother	118	N/C	10-19-92
DED DEPRM RP STP TE			
York Stevenson Limited Partnership	121	M/T	
DED DEPRM RP STP TE			
Cheryl Cronin	122	W/C	
DED DEPRM RP STP TE			
✓ Operating engineers Local No. 37	123	N/C	
DED DEPRM RP STP TE			
✓ Baltimore Gas And Electric Company	124	N/C	
DED DEPRM RP STP TE			
✓ St Paul's Boy's and Girls school of St. Paul's Parish	125	N/C	
DED DEPRM RP STP TE			
✓ Melvin N. and Debbie G. Kramer	126	N/C	
DED DEPRM RP STP TE			
✓ John Henry and Elaine Eleanor Baker	127	N/C	
DED DEPRM RP STP TE			
✓ Lewis Brooks Ramsey	128	N/C	
DED DEPRM RP STP TE			
COUNT 9			
Stonegate at Patapsco (Aerial Property)			
90476			6-1-92
ZON DED TE (Waiting for developer to submit plans first)			
COUNT 1			
FINAL TOTALS			
COUNT 10			

Baltimore County Government  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204  
October 26, 1992 (410) 887-3353

Development Review Committee Response Form  
Authorized signature: *David Ramsey* Date: *10/26/92*

File Number	Waiver Number	Zoning Issue	Meeting Date
✓ April L. and Wayne M. Rother	118		10-19-92 NC
DED DEPRM RP STP TE			
✓ York Stevenson Limited Partnership	121		NC
DED DEPRM RP STP TE			
✓ Cheryl Cronin	122		NC
DED DEPRM RP STP TE			
✓ Operating engineers Local No. 37	123		NC
DED DEPRM RP STP TE			
Baltimore Gas And Electric Company	124		Comment
DED DEPRM RP STP TE			
✓ St Paul's Boy's and Girls school of St. Paul's Parish	125		NC
DED DEPRM RP STP TE			
✓ Melvin N. and Debbie G. Kramer	126		NC
DED DEPRM RP STP TE			
✓ John Henry and Elaine Eleanor Baker			NC
DED DEPRM RP STP TE			
Lewis Brooks Ramsey	128		Comment
DED DEPRM RP STP TE			
COUNT 9			
Stonegate at Patapsco (Aerial Property)			
90476			6-1-92
ZON DED TE (Waiting for developer to submit plans first)			
COUNT 1			
FINAL TOTALS			
COUNT 10			

Ms. Julie Winarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: #127 (JJS)

Dear Ms. Winarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*David Ramsey* 10/19/92  
John Contestabile, Chief  
Engineering Access Permits  
Division

Rec'd 10/21/92

My telephone number is \_\_\_\_\_  
Teleypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 585-5451 D.C. Metro - 1-800-492-5002 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government  
Fire Department  
700 East Joppa Road Suite 901  
Towson, MD 21204-5500  
OCTOBER 16, 1992 (410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOHN HENRY BAKER AND ELAINE ELEANOR BAKER  
Location: #7613 MT. VISTA ROAD  
Item No.: \*127(JJS) Zoning Agenda: OCTOBER 19, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl J. Jones* Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

Rec'd 10/21/92

OCT. 3, 1992

ZONING COMMISSIONER OF BALTIMORE COUNTY

RE: ADMINISTRATIVE VARIANCE REQUEST

TO WHOM IT MAY CONCERN:

MY WIFE AND I LIVE AT 7615 MT VISTA RD., WHICH PROPERTY ADJOINS THE RESIDENCE OF MR. & MRS. JOHN H. BAKER, 7613 MT VISTA RD.. BOTH MY WIFE AND I ARE OF THE UNDERSTANDING REGARDING THE VARIANCE BEING REQUESTED BY MR. & MRS. BAKER AND FULLY SUPPORT IT'S APPROVAL. THE PROPOSED ADDITION TO THE BAKER RESIDENCE WILL NOT ONLY INCREASE THE VALUE OF THEIR PROPERTY, BUT WILL ADD GREATLY TO THOSE SURROUNDING PROPERTIES.

SINCERELY,

*Wm. B. Snyder Jr.*  
WM. B. SNYDER, JR.  
7615 MT VISTA RD.  
KINGSVILLE, MD. 21087

FRANCES M. SNYDER  
7615 MT VISTA RD.  
KINGSVILLE, MD. 21087  
*Frances M. Snyder*

93-116-A  
127

